

## **BOARD OF MAYOR AND ALDERMEN**

**May 16, 2006**

**7:30 PM**

Mayor Guinta called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Guinta stated before we get to the consent agenda I just want to give the Board a very brief but hopefully descriptive update on the state of emergency and what the City has done to this point to respond and where we are going to be going in the next few days. If you can indulge me for a few minutes and then we will get to the consent agenda. As everyone knows, the Governor had called a state of emergency on Sunday as a result of the flooding so the City of Manchester, after I consulted with Chief Kane Sunday morning, opened up the Emergency Operations Center early Sunday afternoon. A number of the issues that the City had been dealing with Saturday but certainly also Sunday and certainly in an elevated status were a number of the things you see on the screen. We were getting reports of local flooding all throughout the City. We started to see a need for street closings as a result of some of the flooding in the different areas throughout the City. We immediately had to start reviewing evacuation plans. We had both voluntary and mandatory evacuations that were determined based on some of the levels of the river and where it impacted the City. I think everyone is probably aware now that the Red Cross assisted the City and state in opening up a shelter at Southern NH University, which remains open at the moment and still houses about 30+ people from Manchester, Goffstown, Derry and prior to that Hooksett. Some of the concerns on Sunday that we started to address were the potential river flooding and on Sunday late afternoon we weren’t sure how high the river was going to be rising but it was clear that it was going to be in excess of the flood level, which is at 11’. The concerns we also had were what was happening north of Manchester – things that were completely out of our control in terms of the dams north and then up the Piscataquog. The dam failures on Sunday afternoon of really great concern were Glen dam in Goffstown, which could have impacted Kelly dam as well. We started focusing in on the Mill dam as well. At that point Sunday late afternoon we weren’t really sure what the impact was going to be. We had to wait and see what the precipitation levels were going to be, the force at which the rain was coming down and how quickly the drain off would occur. We experienced a lot of power outages. Thankfully they were short-term. PSNH did a good job of responding quickly to try to restore power throughout the City. We did and still have some sewage overflow issues as a result of the Combined Sewer Overflow project. This is the reason we are trying to do the CSO project. When you have this kind of surge of rain there is nothing that you can really do about

sewage overflow other than trying to monitor it and making sure it isn't impacting from a health perspective any residents or commercial locations. As I said earlier the Red Cross shelter remains open. It was open on Sunday and we tried to disseminate that information to the public through various media outlets. That does remain open and still in use for about 30 people. We were able to get roughly 2,000 sandbags from the state down to the Highway Department. The first set of 2,000 have already been used. We got another estimated 2,000 delivered on Monday and I think we have gone through most of those. We ended Sunday night with I think a final briefing late in the night and the EOC continued to be manned 24 hours a day. I do want to say that a lot of Fire and Police personnel were working through Sunday and Sunday night and into Monday before they even took breaks. That was something that I was very, very happy to see – the willingness of City employees to just stay at the EOC and do their jobs. There were points when we suggested that people go home to get some sleep and they refused and asked if they could stay. As we saw on Monday we had...the first things we had to deal with were the power to the Mill buildings. At that point we saw what the level was of the Merrimack and it had exceeded 17 feet at that point. So power was disconnected to the Mill buildings. Most of them were taking on water in the basements at that time and we couldn't project the level of water that they would take in. We had to get those buildings vacated fairly quickly so we could deal with the disconnection of power. We also had to deal with on Cleveland Street, the Piscataquog, the oil tanks, the hazardous material which was a few feet up from where the Piscataquog meets the Merrimack. That was a concern at the EOC because the oil tanks, of the four two of them had anywhere from 1,500 to reports of 3,000 gallons of oil or diesel fuel. We since found out that it was diesel fuel but the concern there was them dislodging from their location because of the rise in the level of the Piscataquog and at the same time we were concerned with whether Glen Fall would break or not in Goffstown, which would also impact those oil tanks. Thankfully two of them did not dislodge but they were pushed over. They stayed in that same general area and didn't cause any additional problems with the exception of the fact that we do have some hazardous material clean up on Cleveland and Lane Streets in that area. We did deploy 50 National Guardsmen. It was pretty clear that while our forces were handling the situation exceptionally well we needed some reinforcements because of the hours that had been logged both by Police and Fire. The National Guard was really an assist in not only securing some of the facilities and some of the locations in the City that were closed due to flooding but also assisted with the evacuations – the mandatory evacuations that we had in geographic locations around the City. We had additional road closures on Monday throughout the day as a result of reports that we were getting in from the assessments that we had been conducting all throughout the...that had been conducted by the Fire Department all throughout the day. I would also assist on assessments with the Police Chief and the Fire Chief. We had several different teams doing the assessments to monitor what decisions had to be made during the briefing. The safety issues that the National Guard helped us with were primarily in the areas where you could view the Merrimack River. People wanted to get up and close and personal to the Merrimack, including some kayakers who were assessing whether they wanted to jump in and have some fun. Quite honestly we

were able to stop any of that from happening and able to secure the entry points in the Merrimack from the Millyard area as a result of having the National Guard at our disposal. At this point on Monday afternoon we got an advisory from Water Works that there were some concerns with the level of Lake Massabesic, which is our water supply, not just to the City but to the local region. We have 42 square miles of run off that go into the lake. For every 1" of rain you have 3" to 4" of water heightening and that essentially remains today at about capacity so there were concerns with what would happen with the canal, what would happen with Cohas Brook and how that would be impacting Mammoth Road, Bodwell Road and also potentially Route 93 because of some of the low points on Route 93. So we did have to notify the state police that there might be some issues that we have to deal with on 93 currently that is not a problem but something we are continuing to monitor. As we continued with the day on Monday we started to work with PSNH to restore most of the power to residential areas, which I believe with some minor exceptions is restored. We started making decisions based on flood levels, which residents could return to their homes and we provided through one of the briefings, the Health Department put together informational packets that are available on line for people who wanted to return to their homes to deal with sewage issues and with any potential health issues including mold issues that they may be concerned with and we have a team that remains intact from the Health Department that can conduct on-site visits if necessary and those requests are going to continue to either come through the EOC or if someone just calls the Health Department directly. Monday schools were closed. I did speak with the Superintendent several times and most of the concerns at the schools were not flooding but leaking. We haven't had any major structural damages to any of the schools. There are some minor leak problems most notably at Northwest Elementary and Bakersville. We did have some flooding up at Parker-Varney in the exterior but not the interior of the building. So Monday night I think we ended with feeling fairly good about how Tuesday was going to play out. This morning we started at 8 AM with a briefing and had some assessment reports from last night. The river did start to recede to a more manageable level. They think around 19 ½' down from 20', which was the cresting height Monday at noon. So it did not recede as much as we had hoped for but it did start to receded by Tuesday morning. We continued to respond to the Massabesic Lake potential flooding issues, which escalated today as a result of some of the rain we had last night and some of the rain we had from 8 AM to 11 AM. We got .4" of rain between 8 AM and 11 AM. We did visit Massabesic Lake during that timeframe and it was discussed and determined at that point that Tom Bowen would put two 16' steel plates in front of the canal to stop some of the heightening in the canal. That thankfully worked. The canal receded by 2" which provided a lot of relief to the lake so we feel that we are in a fairly confident position now that we will not have to make any releases of the dam beyond what is happening now. We are going to continue monitoring it. The two issues that we would be concerned about are additional rain and the amount of run off that we get from the 42 square miles of run off that go into Lake Massabesic. We have decided today to keep the EOC open at least for 24 hours and probably longer. We will make that assessment at the end of each day. Part of the clean up process today in several areas...we still wanted to try to start opening up as many roads as

possible. At this point the only mandatory evacuations that still remain are at the Econolodge on the West side because they have got about 10' of water in their basement that is being removed by the Fire Department as we speak and should be completed by no later than midnight tonight. City schools were closed again today. We made that decision in conjunction with Mike Ludwell last night due to transportation issues of students and teachers, not just in Manchester but in surrounding communities. We continued the deployment of the National Guard, however, we were able to reduce their deployment to 35 from the 50 that we had originally deployed and that is in part because the security...the evacuations had been completed but the security areas that we had reduced from 7 to 10 down to about 3 this afternoon so we don't need as many National Guard but we still have three locations in the City that are being secured by the National Guard for safety purposes. Some of the specific events that we had to deal with that we can talk about instead of just from a chronological order. The Merrimack River flooding clearly was the greatest impact in the City. We had power outages as a result almost in the entire Millyard. We had obviously to evacuate the Millyard. Business could not be conducted in the Millyard and we had to secure the Millyard through the deployment of the National Guard. Right now we had about six buildings that were out of commission, which represented about 100 businesses and an estimated 2,000 to 3,000 employees. That is a pretty critical sector of commerce in the City that has to be restored as quickly as we can. It doesn't solely impact Manchester. For example, Autodesk reports that their entire eastern seaboard operation was diminished as a result of the flood here in Manchester. We had concerns all through the weekend with the temporary bridge next to Granite Street. That was engulfed in water yesterday at some point. The water has not receded below that temporary bridge. It's intact. There is a lot of debris. Most of the spikes that keep the pontoon or the planking down have all come off so that has to be resecured and it has to be reviewed by engineers to make sure that it is not structurally problematic. When we met with the structural engineer on-site, some of the things that they relayed to us were that their expectation was that the temporary bridge would be able to sustain this but given the fact that we haven't had any kind of activity like this since 1936/1938 we weren't 100% sure so we will have a report probably by week end or early next week as to the structural integrity of the temporary bridge. Some of the other events – Stark Lane and Farmer Road had serious and still have serious flooding. We did have evacuations in that area as a result of the water levels. Chauncey Avenue had to be evacuated yesterday morning because of the flooding. It was becoming impassable and if there were any emergencies it got to the point where people weren't going to be able to leave Chauncey Avenue. We have reinstated that area so that people as of last evening were able to return. Areas like Wentworth, Schiller, and Hill Street were all flooding and evacuations as a result of the flooding were done. Those areas are challenging because you have to do assessments ongoing throughout the day to determine at what point do you evacuate. We didn't want to evacuate anyone unnecessarily but clearly because of the potential of the Merrimack rising so quickly we had to make those decisions fairly quickly and from what we are hearing from residents people were very receptive in responding properly in a very helpful manner when the Fire Department would literally go door-to-door notifying people of the evacuations in

addition to the media outlets that we were utilizing. The Econolodge is the only, as I mentioned, area right now that has a mandatory evacuation. The entire basement is filled with water. It is a building that is 100' long by 60' wide. They also had portions of the first floor that took in water through the first floor windows. That is essentially as a result of the water coming down the Piscataquog and its proximity to the Piscataquog overflow. That is going to be a building that is probably down for several weeks at least. There is significant and serious damage to the interior of that building. The Fire Department is there as we speak pumping out that location and as I said it will take anywhere from five to six hours. We hope that will be done by midnight tonight. Riverdale and the Dunbar/Heard Street area was very challenging because of its proximity to the Merrimack River. I have been in contact with residents in that area and Alderman Garrity as well. After the assessments were completed we made a decision at 11 PM on Sunday to evacuate. We didn't want to have to evacuate at 3 AM because of the procedure that you have to go through. That area has been restored. We did view it yesterday. The water has receded but it is still in people's backyards. It is going to take some time before it recedes to normal levels. This is just an example from Saturday afternoon until late this afternoon what we went through in terms of Merrimack River flood heights. Normal height at Goffs Falls measurement point is 6'. The flood level is 11'. We exceeded three times the regular level and hit almost 20' at its peak when it crested around noon yesterday. So you see the steep grade that we had to deal with Saturday going into Sunday. You will note that around 2 PM on Sunday it was only at the action stage. It was just below flood stage and then it really had a dramatic increase Sunday afternoon into Monday afternoon, in less than a 24-hour period. So the decisions that we had to make were very quick and fast decisions based on the activity of the Merrimack. The Millyard area, we still have flooding today as I mentioned. We have six buildings, 100 businesses that were impacted and couldn't be opened. Some businesses have for the short-term temporarily reopened in other locations in the City. We have had massive interruptions of power to those areas. We started working on the most northerly building because of the level and the proximity to the river and pumping out those buildings. We started with the Jefferson and went down...we haven't hit the Gateway I building yet, which is where Jillians is because the river has to come down probably below 11' before we can even get into that basement that started with about 10' of water. It is probably at about 5' now. We will start hopefully pumping tomorrow morning but again it will be based on the level of the river. The potential dam failures that we had to deal with were fairly significant, most notably the Piscataquog river. Just so people get a feel for what the impacts were, we were very concerned with dams not just in Manchester but in Weare and Goffstown. The Everett dam if that had breached that has an impact on Glen dam, which would then have an impact on Kelly's Fall dam. Luckily that didn't happen. We got about two points...we were at 276 or 277 at the high stage at Glen Fall. 278 would have actually been a breach so we were fairly close to a breach there. That was sometime yesterday afternoon but thankfully around late afternoon on Sunday it started to recede so we didn't have the impact that we were expecting coming into the Merrimack like a second rush of water. That is the concern with these oil tanks that had been dislodged about a few hundred yards up from where the Piscataquog

meets the Merrimack. If the dam in Goffstown had breached it would have likely taken those two that are horizontal and pushed them at least into the bridge and possibly down the Merrimack so thankfully that didn't happen. We also had closures on Hancock and Cleveland. I apologize for this slide. We turned this site over to NHDES because of the oil hazard. We have diesel and oil fuel that has dislodged from those tanks. We met with DES yesterday and again this afternoon. They are taking over that site and will start the mitigation. They are going to cleaning up the street starting tomorrow and then we will have long-term assessments as to the remediation of this area. I did talk with Senator Gregg today about this particular area and in general what we are going to be doing for disaster relief and I can get to that in a moment. This is certainly on the list of concerned locations. We also had significant flooding in other areas on the West Side. This is as a result of the Piscataquog flooding. You can see the park here. These are some photographs. Head Street was problematic. Electric Street was closed and evacuated because of power outages and the levels of the river. We also had some concerns at Pine Island pond including a rescue that we had to...a neighbor was trying to rescue another neighbor and then the Fire Department had to go down and have a boater rescue, which thankfully was successful. We had significant flooding in the Brown Avenue area from Devonshire to Faith Lane. I think at one point we had about 4' of water in that area, which has dissipated. Black Brook obviously was a concern. Also the Dunbarton/Straw Road area. We eventually had as a result of that closures and evacuations. That certainly impacted what happened at Maxwell Pond. We continue to monitor Massabesic Lake and again Mill dam right now is the issue and whether we have to let more water come out as a result of whatever flow we get from the areas that are contiguous to Massabesic Lake. Again, the canal is receding. It was down at least 2" by 4 PM. I don't know what the report is at this point but we would expect that it will recede a little bit more. We will keep an eye on that. We don't feel that we have to have any additional action but should there be additional rain or additional overflow into Massabesic we will continue to monitor that over the next couple of days. That has already obviously impacted Cohas. That whole area is flooded and still remains flooded. Some of the people's houses in that area have lost their backyards for the moment. It is impacting Mammoth and Bodwell Road. Again, some of the water has pooled near Route 93. This is a picture of Maxwell Pond as a result of what has happened there on Front Street. We have had serious overflow. This is something that the Highway Department was working on this afternoon. We have had power outages. We had poles down from PSNH and from Verizon. We did have to evacuate certain areas including Garden Drive residents. That area has been restored and Front Street is open. It will be temporarily closed tomorrow for additional highway improvements but it is passable at the moment. If you get an opportunity to go up there the erosion is significant including the business on the eastern side of this. Part of their driveway is just gone. This is a shot of the Granite Street, the temporary bridge. This was actually taken I believe...it must have been last night. There were times when you couldn't even see that fencing Sunday afternoon. It was probably...this was probably taken when it was maybe 14' or 15' so imagine another 5'. I am sure a lot of people saw it as they crossed over the Granite Street Bridge. This is another shot of the bridge from one side of the river

to the other. This is another shot of the Front Street area. We have got some major debris in the roads and erosion and roadway reconstruction that has to be completed. Again, this is another shot at some of the damage on Front Street. Arms Park. This was actually taken today. It was up to the top step yesterday at its peak. This is about...those steps are about 6" each so this is about 1' to 14" lower than at its highest point. These are the sinkholes in Arms Park. The Parks Department was out there today when the Chief and I were out there inspecting this location they are going to start repairs tomorrow and we anticipate that it will be up and running for Memorial Day festivities. This is just looking on to the Merrimack from a Millyard building to get an idea...if any of you can get a visual those trees typically have very little water around them. They have at least 8' to 10' of additional water. These are just pictures of different residential homes that have been hit all throughout the City. So that concludes the update. I wanted to give the Board of Mayor and Aldermen a status as to where we are. We are going to be having another briefing at the EOC tomorrow at 10 AM after we do assessments tomorrow morning to determine what the next phases are for this week and beyond. We will have a debriefing at some point at which point I think it will then be appropriate if there are any questions about activities that occurred and how we can improve the services that we provided we are going to do that at that time. We are still in an emergency situation given some of the challenges we are still having with the river and lake but I wanted to at least give everybody an update. If you have any questions we can take them briefly on what activities we have moving forward.

Alderman DeVries stated individuals who may notice any kind of undermining of any manholes or coverts or anything like that where should they be calling with that information because it is not possible that every single piece of damage has been noticed.

Mayor Guinta responded we are asking all communications to go through the Emergency Operations Center as a centralized location and then that information can be taken. If people need additional phone numbers they can then be rerouted. We continue to notify people through the media of that number and it is 665-6802 but it is critical and I am glad you brought up this point that if people do see something it is impossible for us to gauge every single location in the City during the assessments. If people identify something in the neighborhood it would be great for them to notify the Emergency Operations Center. They can certainly notify their Alderman as well and the Alderman can bring it to the attention of the EOC. That would be a great help.

Alderman DeVries stated I have an additional question in reference to the Massabesic Lake watershed. Where that seems to be one of the ongoing areas where the level of concern is still significant if I would how would the public know when that is no longer an issue and when they are able to release the back pressure within Massabesic Lake?

Mayor Guinta replied one of the things that we will do is we will continue to monitor this evening. Tom Bowen has a crew out there now to give us updates this evening. If there is

any negative change we will disseminate that information to the media. We don't anticipate any negative change at this point. We will go out tomorrow morning at 8:30 and assess it again and have a debrief at 10 AM tomorrow. If there are any changes we will be notifying the public first through the media outlets and then going door to door or the Fire Department will go door to door if action needs to be taken and give people ample time to prepare. At this point we feel fairly confident that we are just going to have to wait and let those water levels recede. The lake is at full capacity but because the canal has reduced by 2" that gives some flexibility in case the lake does increase. It is also flowing as we speak over Mill dam, which is providing some relief so there are going to be a few more days before residents in that area see relief based on what they are looking at in their backyards today. So I would continue to encourage them to be careful, particularly when they travel over Mammoth Road where there is some overflow and spillage and report anything they feel would be unusual beyond what people are seeing now. We have had assessment teams out there several times a day. I myself went out there twice today just to get a personal assessment. Those will continue through the night as well.

Alderman DeVries asked the homes that were under, at least on Sunday, voluntary evacuation and that would be...I think it is the home in the picture with the above ground pool, anyway that seemed to be one of the more significantly impacted by the Cohas Brook in that particular area. Are they still under? Have they moved from voluntary to mandatory until later?

Mayor Guinta answered that area is...they are allowed to go back to their homes. We are just asking people to be cautious and again if there are any changes we will be knocking on their door. The Fire Department will be knocking on their door for evacuation.

Alderman Smith stated my ward got hurt very much. There were about nine roads closed and seven evacuations. I was wondering who is going to identify the costs and then what is going to be the economic impact?

Mayor Guinta responded we haven't been able to assess the economic impact and the fiscal impact because we are still in the process of trying to deal with the emergency itself. One of the things we have started to do though is gather information so we can start to calculate the economic impact. We have had five teams go out starting yesterday to do damage assessments and that will start to provide us with the information to determine what the economic impact is. I did speak with Congressman Bradley and Senator Gregg today. It appears as though there is every expectation that the White House would declare a disaster at which point FEMA would then come in and do their own damage assessments. The process and procedure would be that for every claim the City has, for every area impacted we would file claims ourselves directly to FEMA. The formula is that a 75% reimbursement from FEMA would come to the City and the remaining 25% would then be covered by the local entity and the state. So certainly we are looking and waiting to see what the state is going to



release in terms of funds for their portion and then we can start to calculate what the City portion would be but again it is just far too early to determine what the overall fiscal impact will be until we have a complete assessment. One additional thing. We have the teams going out to assess and document but if people care to take pictures or have pictures and provide them to the EOC with locations for documentation purposes FEMA did convey that to us. One of the important things to do is not just in writing document what we have done but photos and pictures would be extremely helpful in determining overall value, etc.

Alderman Smith stated I would like to commend all of the agencies and departments but I would just like to say it is a good thing that in my area we did the CSO because we had very few back ups.

Alderman O'Neil stated I just want to as a resident of the City that I was very, very proud of you and our City departments. The City was really challenged this weekend and in the last few days and I think you deserve a lot of credit for that. I think our departments, not only the department heads but the staff up and down, deserve an awful lot of credit and a thank you from the residents of the City. I was very, very proud to be an elected official in this City and see our departments and agencies step up and how well they served the citizens. Thank you to you and to the City departments.

Mayor Guinta responded thank you for saying that. I do want to recognize the City departments as well. Given the fact that this occurred on Mother's Day other than being with my wife honestly I couldn't think of anyone else other than Police and Fire that I would want to have spent the last 48 hours with because they really had a tremendous impact in minimizing and mitigating the damage. The Highway Department was phenomenal. Steve was driving me around at some point; I don't even know what time it was yesterday assessing damage. We really, I think, as a City proved how prepared we are given the fact that we have had no deaths and no injuries whatsoever that have been reported. We checked with Elliot and CMC again this afternoon. They anticipate that once people start moving back into their homes there might be back injuries and things of that nature but there have been no injuries reported as a result of this. I think the departments need to be commended and when they do a good job we need to recognize that. I also would commend the residents. People cooperated. That is extremely important when people do cooperate with personnel. It makes it far easier for our personnel to get from one location and one disaster area to the next so I thank you for saying that and I share your sentiments in supporting the personnel we have and what they accomplished in the last 48 hours. It is not done yet.

Alderman Long asked is there a timeframe in which we will get financial aid or that you know we will have financial aid in hand.

Mayor Guinta answered Senator Gregg expressed to me today that once claims are filed it takes about two months at the earliest. Clearly this has been a challenge not just for this

community but others in the area. I would say two to three months once the claims are filed. It is going to take some time to file the claims because we still have to complete the emergency itself and complete the data collection process. We will probably have more information on how quickly the City can get that done and once we have that information, probably after this week has ended, I can give an update to the Board in writing as to how quickly we think we can get the claims filed. Again, it is also contingent on when the declaration is made.

Alderman Forest stated along that line as you are aware a lot of us Aldermen answered calls from our constituents. I know a lot of mine that I answered were not in the flood plain. They weren't anywhere near a brook or anything else but they got a considerable amount of damage. A lot of them that I talked to or went to didn't have insurance. Is there a procedure for these people to file claims or is that not going to happen?

Mayor Guinta replied I talked to Congressman Bradley about that today. He is reviewing what procedures can be put in place for people in that scenario. Not just residents but businesses. I don't know...maybe Alderman Gatsas could talk to us about aid dollars and what theoretically that could be allocated to. I will have an answer from Congressman Bradley hopefully by week's end and we can make those announcements to the Aldermen and the public when we have that information.

Alderman Lopez stated I wanted to let the Board of Mayor and Aldermen know that the Mayor did inform me the day he opened the EOC and at 10 PM gave me an update. I tried to pass it on to some of the Aldermen. I stopped at the EOC and asked if he would send out a memo to all of the Aldermen, which he has and his staff took care of that. In a crisis like this there is only one person who can call the shots and that is the Mayor. I know the Aldermen were very concerned and they were out there and they came to the EOC and staff briefed them. I know they briefed me when the Mayor wasn't there. I want to commend them also. I do want to commend because most of the calls I received were from homeowners and thanks to the firemen for going to the houses and pumping out the water and coming back and doing that on a 24-hour shift. I think that is commendable and the residents of the City can see the services that the firemen were providing in time of crisis in trying to save their belongings and that so I want to commend those people who did that job and thank you, your Honor.

Alderman DeVries stated I will just follow-up on that in saying maybe in the future because I know the firefighters were going 12 hours without food because they were literally answering calls back to back without any kind of a break starting very early Sunday morning. I don't think they were complaining. When we do critique I am sure that is one piece that we will try to figure out. Sandbags is a piece I don't think...I know that we did run out of the supply on Sunday but on the news today they are saying there is a new supply

available or Monday a new supply available to homeowners and should anybody still want them are they contacting the Highway Department?

Mayor Guinta replied they can contact the Highway Department or the EOC. They are available. They were made available again on Monday. They can just go right to Highway and pick them up.

Alderman DeVries stated I might suggest one more time the phone number in case people want it.

Mayor Guinta stated the EOC phone number is 665-6802. The Highway Department is 624-6444 at 227 Maple Street.

### **CONSENT AGENDA**

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Informational – to be Received and Filed**

- B.** Copy of a communication from Mayor Guinta to Richard Anagnost, Chair of the Job Corps Center Task Force, advising of his interest in bringing the Center to the City of Manchester.
- C.** Minutes of a meeting of the Mayor's Utility Coordinating Committee held on April 19, 2006.
- D.** Minutes of a meeting of the MTA Commission held on March 28, 2006 and the Financial and Ridership Reports for the month of March 2006.

### **REFERRAL TO COMMITTEE**

#### **COMMITTEE ON FINANCE**

- E.** Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the 2007 CIP 310207, School Facility Improvements Project.”

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

**Ratify and Confirm Poll Conducted**

- A. May 8 and 9, 2006 approving to settle the City's suit for damages occasioned by the Notre Dame Bridge fire for the \$550,000.00 offered by Verizon.  
*(Aldermen Roy, Long, Duval, Osborne, Pinard, Lopez, Shea, DeVries, Garrity, Thibault and Forest voted yea. Aldermen Smith and O'Neil voted nay. Alderman Gatsas was unavailable.)*

Alderman Smith stated the only reason I opposed this is we put in \$1.2 million into the Notre Dame Bridge with funds from bonding for the senior center and we agreed to \$550,000. I don't think it is a good deal for the City and I thought I expressed my point because I was one of the two Aldermen opposed. Thank you.

Alderman Forest moved to ratify and confirm the poll. Alderman Garrity duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Aldermen Gatsas, Smith and O'Neil duly recorded in opposition.

Nominations presented by Mayor Guinta.

**Conservation Commission**

Gerard L. Thibodeau to succeed Jen Drociak, term to expire August 1, 2006.

**Arts Commission**

Celia Phillips to succeed Jessica Kinsey, term to expire December 1, 2007.

**Fire Commission**

Omer Beaudoin to succeed Sean Toomey as labor representative, term to expire May 1, 2009.

Peter Favreau to succeed himself, term to expire May 1, 2009

**Planning Board**

Michael J. Landry as an alternate member of the Planning Board, term to expire May 1, 2007.

Under the Rules these nominations were to lay over to the next meeting.

A report of the Committee on Community Improvement was presented recommending that the Planning Department (working with the Health Department and The Way Home) be authorized to submit a \$2 million grant application to the U. S. Department of HUD for lead paint hazard redemption. The Committee further notes that they have asked CIP staff to set aside a mix of CDBG funds and Affordable Housing Trust Funds totaling \$600,000 to match the \$2 million being requested.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Community Improvement. Alderman Pinard duly seconded the motion.

Alderman O'Neil stated when we have items like this they really should be brought to us well before...you know we have a month to act on this. It was competing against other sources of funding. We did talk about it with the Planning staff last night as well as in this particular case the Health Department. It has tied up a lot of money that we might have needed for some other programs. That is all I ask in the future.

Mayor Guinta called for a vote on the motion to accept the report. There being none opposed, the motion carried.

A report of the Committee on Community Improvement was presented recommending that a request of the Public Health Director to accept \$78,894 in grant funds from the NH Department of Health and Human Services for Flu Pandemic Planning be executed a related memorandum of Understanding between the NH Department of Health and Human Services, NH Department of Safety and the cities and towns, and to authorize the City to proceed with contract amendment documents once received be granted and approved subject to the review and approval of the City Solicitor. For such purpose an amending resolution and budget authorization have been submitted for referral to the Committee on Finance.

Deputy City Clerk Johnson stated in accepting the report we would presume that would also be an acceptance to refer this to Finance and would look for a motion to that effect.

On motion of Alderman O'Neil, duly seconded by Alderman Duval it was voted to accept, receive and adopt the report of the Committee on Community Improvement.

#### **TABLED ITEM**

**6. Resolutions:**

“Authorizing the Finance Officer to effect a transfer of Twenty Thousand Dollars (\$20,000) from Contingency to Fire – Line.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Thousand Dollars (\$100,000) from Contingency to Fire – Mechanical Division.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police – Uniformed Police.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police - Uniformed Police.”  
*(Tabled May 2, 2006 pending further review of the Contingency account by the Finance Department.)*

On motion of Alderman Shea, duly seconded by Alderman O'Neil it was voted to remove the above referenced Item from the agenda.

Alderman Shea stated basically these should be referred to Finance, and so moved to refer the Resolutions to the Committee on Finance.

Alderman O'Neil asked aren't we waiting for a report from the Finance Department.

Mayor Guinta stated originally we were going to discuss this tonight but given the events of the last couple of days if we could extend that...if the preference is to refer it to Finance we have a little more time because we have more Finance Committee meetings I wouldn't object to that.

Deputy City Clerk Johnson stated what I could suggest is that you get it into the Finance Committee and then perhaps bring it out to the Board and you can table it at the Board level as a report later and it will just sit there until the Board is ready to deal with it.

Mayor Guinta replied I have no objection to that.

Alderman Roy stated I am in favor of all of these but my question is...I thought we had actually done that – talked about them in Finance and referred them I believe unanimously to the Board level and now the decision is only when do we act on them. I believe the recommendation from the Finance Director is that we wait closer towards the end of our fiscal year to make sure our contingency is strong enough to afford these. I wouldn't mind passing them this evening but I think the advice, and I would like to hear from Kevin, was to wait until our next regular meeting.

Alderman O'Neil asked would it be appropriate to put them back on the table at the full Board then. If it has already been to Finance why send it back?

Mayor Guinta replied I think either decision is appropriate. The only thing that sending it back to Finance does is allow for a conversation between now and the next BMA meeting. That conversation can probably still occur in Finance.

Deputy City Clerk Johnson stated actually what you are doing here is you are talking about resolutions and the process for resolutions, even though the discussion has already taken place in the Finance Committee, the resolutions need to go through the Finance Committee and come back out to the Board. Bringing them back out to the Board and tabling it at the Board as the final action you can hold them as long as you want. We can then dismiss any of them and receive and file them but if you meet as a Board and you don't have a Finance Committee meeting that night and you don't get it there you won't get to where you want to go if you want to adopt them.

Alderman O'Neil stated it is Carol talk but she is always right.

Alderman Roy duly seconded the motion to refer the resolutions to the Committee on Finance. Mayor Guinta called for a vote. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Garrity it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

## **OTHER BUSINESS**

A report of the Committee on Finance was presented recommending that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the 2007 CIP 310207, School Facility Improvements Project.”

ought to pass and layover; and further that Resolution:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Nine Thousand Six Hundred Forty Dollars (\$39,640) for FY2005 CIP 210205 Public Health Preparedness.”

ought to pass and be enrolled.

On motion of Alderman Roy, duly seconded by Alderman DeVries it was voted to accept, receive and adopt the report of the Committee on Finance.

A report of the Committee on Finance was presented recommending that Resolutions:

“Authorizing the Finance Officer to effect a transfer of Twenty Thousand Dollars (\$20,000) from Contingency to Fire – Line.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Thousand Dollars (\$100,000) from Contingency to Fire – Mechanical Division.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police – Uniformed Police.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police - Uniformed Police.”

ought to pass and be enrolled.

Alderman Lopez stated I guess I am wondering are we holding this up and then come the end of June or something we are not going to buy this out of the FY06 budget then we are going to have to put it in the FY07 budget. Plus the fact...are they ordering the stuff now assuming that they are doing all of these things now whether they did it out of the FY06 or FY07 budget? We are holding them up from doing something I believe.

Mayor Guinta replied well I don't think they have ordered anything as of today but I would have to verify that.

Alderman Lopez stated it was so important that they have this stuff and I was wondering...we know we are going to do it I presume. If that is a given fact then we should let them go ahead and start ordering.

Mayor Guinta stated the request for the FY07 budget included these items. I and I think the Board shared the hope that we could get it paid for out of the FY06 budget. Again, I know that the Finance Officer did want us to wait to try to look at the last six weeks or so of the fiscal year, which I am not opposed to, particularly given now that we have to do some assessments and seeing what other additional costs we are going to incur in FY06 and FY07 given the last several days.

Alderman Lopez stated just to follow-up I was wondering, and I understand and appreciate that but I was wondering if we can give them the authority to go ahead. We know we are going to do it. What are we waiting for?

Mayor Guinta responded they are waiting for this Board to approve an appropriation. Again, they are waiting for this Board to approve an appropriation. Again, an appropriation was requested for FY07 so we would be moving...we would be allowing them to do it earlier than they had requested, which was the initial thought process. Until we get a better handle on some of the other costs for contingency we should wait. I think this Board has every expectation of supporting this need. One way or the other we are going to find the money for this.

Alderman Lopez stated that is my point so let them go ahead and order and do whatever they have to. That was my only point.

Mayor Guinta asked so order and appropriate later.

Alderman Lopez replied I think there is money within their budget to go ahead and do that. If they have to transfer money from one item to another later on...I think the intent is that they are going to do it whether they do it now or they do it in July and we put it in FY07. I think the will of the Board is to say do it. If you need it do it. Do you agree with that?

Mayor Guinta responded I think the Board supports the purchase. It is just a question of when the purchase is going to occur.

Alderman Smith stated I was going to ask Kevin how much is in the contingency account.

Kevin Clougherty, Finance Officer, replied that is a good question. We started the year with \$542,000. Since the start of the fiscal year we have had a number of requests that have been coming forward from the department. Those requests are \$33,000 from the Economic Development Office, \$6,000 from the Elderly Services Office, \$6,000 for the Motorized Equipment Account and \$58,000 from Human Resources. That is a total of \$103,000. There is another \$15,000 on here tonight from Human Resources. If you take those dollars and take a look at the total amount of the contingencies that we have got on the table, Alderman, all of those requests for the vests and everything else add up to \$206,000. If you were to add



this all together you are talking somewhere around \$324,000 or \$325,000 that would have to be deducted from \$524,000 leaving you a balance of \$218,000. Remember, Alderman, when you structure your budget for this year that contingency was going to serve as a sort of salary adjustment to deal with departments as we get closer to the end of the year. Everything was going great until this week. Until we have a good handle on this week's payroll and costs I am reluctant to release that contingency. I wouldn't say it is a slam-dunk that you are going to be able to use the contingency account for some of those things that we would like to do in the FY07 budget. We may have to create some of those back. We will try our best. There is still a chance we can make it. I will know better after we have seen payrolls and costs for the two weeks we are involved in. Bottom line is the budget has to be adopted the second Tuesday of June. We have the balance of June of this fiscal year to place the orders and get invoices in so those can be credited for this fiscal year. You will have some room. You are not bouncing up against the absolute deadline of the end of the fiscal year.

Alderman Long stated I believe the only item at issue was the \$43,000 for the vests for the Police because they were custom made. I believe that was the only item that Deputy Chief Simmons said was going to take some time. That was the only item at issue where they would need to get an order so I don't know if we should make a motion to authorize \$43,000.

Mayor Guinta replied we can separate them but I...I haven't had a chance to look at the payroll for the last three days. It hasn't been a priority but it will be a priority probably later this week or early next week. There are going to be additional monies that are going to have to be expended as a result of...that have to expended immediately on pay day. It can't wait for three or four weeks. It would be helpful to just make that decision after we at least get that information.

Alderman Roy stated I agree with what you are saying about waiting until we have the full assessment but I slightly agree stronger with Alderman Long that if we could take the \$43,000 for the vests the rust repair can wait and is not a safety issue and the additional \$43,000 for uniforms for police can wait but I do believe our bulletproof vests need to be changed over as soon as possible. I don't think out of the \$218,000 remaining that if there is \$43,000 above that or we are at \$218,000 when the end of the day happens...we will budget this one way or the other and I believe there are other items in the budget that if we have to delay something until 2007 we can do that. I would ask that we separate them out and make the \$43,000 for bulletproof vests available to the Police Department and then at our June 6 meeting we move the rest if contingency allows. Alderman Gatsas stated I knew that I saw rustproofing somewhere. On this Resolution it is very clear. It says for rustproofing. It doesn't say for rust repair. It says for rustproofing. Are we rustproofing or rust repairing?

Alderman O'Neil responded I thought we cleared that up last time. It is repair.

Alderman Gatsas stated well I just want to make sure because the Resolution has rustproofing.

Chief Kane stated it is repair.

Alderman Gatsas asked so the Resolution is wrong.

Alderman Lopez stated I would like to approve it and let you have the authority to work with the Finance Officer to get the vests whether you do that this week or next week.

Mayor Guinta stated I would accept a motion to get the vests done. Originally that is where it started anyway. I wanted to do the vests immediately and then the other three were added on and that is what really caused the bulk of the financial concern. So if we go to the vests today I would be happy with that because that is what I wanted to do a month ago.

On motion of Alderman Forest, duly seconded by Alderman Thibault it was voted to...

Deputy City Clerk Johnson stated my suggestion would be that we split the committee report and remove the third one listed, which is \$43,000 from contingency to police – uniformed police. It would be the third one, which are the vests. You can accept that report and we will put it through the process.

Alderman Gatsas stated if memory serves me \$43,000 was for vests for the six new hired officers and \$43,000 was for replacement of vests for older ones. So it is \$86,000 in total.

Mayor Guinta replied no. It was \$43,000 for 82 vests. The other \$43,000 was for total equipment and uniforms for the six new police officers.

Alderman O'Neil stated one of the \$43,000, the Mayor is right, is for 82 vests to replace existing vests.

Alderman Gatsas stated you have vests in those other six officers.

Alderman O'Neil replied but you have other items in that too. Those other six officers don't exist right now.

Mayor Guinta asked the radios are like \$5,000 each. So there are other items in that additional \$43,000.

Deputy City Clerk Johnson stated it would be the last one, I'm sorry, it is the last one that says for replacement of bulletproof vests. That is the one I understand you want to accept.

On motion of Alderman Duval, duly seconded by Alderman Thibault it was voted to accept, receive and adopt the report of the Committee on Finance that a Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty-Three Thousand Dollars (\$43,000) from Contingency to Police – Uniformed Police.”

ought to pass and be enrolled.

Deputy City Clerk Johnson stated the second report would contain the other three items and I guess the question would be do you want to take a motion to table that report.

Second report of Finance Committee (as split) was presented recommending that Resolutions:

“Authorizing the Finance Officer to effect a transfer of Twenty Thousand Dollars (\$20,000) from Contingency to Fire – Line.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Thousand Dollars (\$100,000) from Contingency to Fire – Mechanical Division.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police – Uniformed Police.”

ought to pass and be Enrolled.

On motion of Alderman Roy, duly seconded by Alderman Shea it was voted to table this report of the Committee on Finance.

A report of the Committee on Lands and Buildings was presented recommending that the Board find property known as the Seal Tanning Parking Lot, the Granite Street Parking Lot and land contained within Philippe Cote Street be declared surplus to City needs and disposed of through sale to 1848 Associates, the abutter, at a price of \$635,500 as predetermined reasonable by outside appraisal and Board of Assessors subject to terms and conditions to be set forth in a Purchase and Sales Agreement enclosed herein. The Committee notes that it finds just cause to sell such property to the abutter as sale will alleviate parking issues in the Millyard area without financial burden to the City and facilitate future rehabilitation of the Pandora Building. The Committee recommends that Philippe Cote Street be discontinued to assist with consummating the sale of all aforementioned properties and provide for the development of same, and that the Board of Mayor and Aldermen suspend the rules and refer such discontinuance to a Road Hearing to be scheduled by the City Clerk at the earliest convenient date without referral to the Committee on Community Improvement, and request the Public Works Director provide a report as soon as practicable to the City Clerk with regard to such discontinuance.

Deputy City Clerk Johnson stated we also had an additional handout that was provided by the Economic Development Director. It provides a summary.

Alderman Gatsas stated I noticed that there is a retaining wall on Granite Street to Commercial Street and another retaining wall...are they paying for those now or is the City doing them. Who is doing them? How are they being paid for? How are they being allocated?

Frank Thomas, Public Works Director, stated the City of Manchester is paying for a portion of the retaining wall along Granite Street up to Commercial Street. The party that is purchasing these lots is paying an additional amount to go deeper with the retaining wall along Commercial Street. The retaining wall along...excuse me let me go back. The retaining wall along Granite Street will be deeper and paid for by the people that are acquiring these parcels. The retaining wall along Commercial Street and Philippe Cote Drive that was initially required no longer has to be built and the lot itself does not have to be excavated and rebuilt under this proposal.

Alderman Gatsas stated so when I am looking at these numbers can you be a little clearer on how they work because I guess what I am looking at is an appraised...well I guess the question I have is what does reconciliated appraised value mean.

Paul Borek, Economic Development Director, stated I can begin to answer that question and if there is further detail maybe the Board of Assessors can answer it. The appraisals were conducted last year. Bramley conducted an appraisal for the City. Fremeau conducted an appraisal for the purchaser and as I understand there was a wide discrepancy at that time and Mr. Crafts was brought in to review both appraisals and recommend or reconcile the figure.

Alderman Gatsas asked those appraisals were they done on market rate or the rate that the City was leasing them at.

Stephan Hamilton, Board of Assessors, stated the assumptions in the appraisal were based on market conditions. There was a different set of assumptions made by two of the appraisers and the reconciliation that was mentioned was an attempt to understand the different results in the appraised value.

Alderman Gatsas asked so in those three lots how many parking spaces are there.

Mr. Hamilton answered off the top of my head I don't know. I can look up the information that is provided in the appraisal. The Assessor's Department didn't do the appraisal. The Assessors have recommended that the Fremeau appraisal results are the most reliable as did John Crafts the review appraiser that was hired by the City to reconcile the differences.

Alderman Gatsas asked what is in the appraisal. We are selling property and there is no expert here that can tell me how many spots there are?

Mr. Hamilton answered I can tell you what the Fremeau appraisal reports for the number of spaces and what the Bramley appraisal reports but I didn't go out physically and do the appraisal so, therefore, I didn't count the spaces. I am not the expert that came up with the value. These appraisers are the experts who came up with the appraisals.

Alderman Gatsas asked what does the appraiser tell us we have.

Mr. Hamilton answered it may take me a few minutes to find that information.

Mayor Guinta stated 207.

Alderman Gatsas asked on all three parcels.

Bob Tuttle, 1848 Associates, stated two of the lots currently have spaces that are leased on them for a total of 207. There are a few, I believe, 10 on-street parking spaces on the street that we want discontinued.

Alderman Gatsas asked can somebody explain to me what is the bottom line that the City is going to receive after all of the reductions.

Mr. Thomas answered \$635,000 plus an additional \$200,000 to extend the depth of the retaining wall on Granite Street.

Alderman Gatsas asked so \$635,000 divided by 207 spaces...so we are selling a space for roughly \$3,000.

Mr. Borek stated plus the savings attributed to the work that the City does not have to undertake in the reconstruction of Granite Street.

Alderman Gatsas replied I asked that question originally. Who is paying for it?

Mr. Thomas stated I think again if you take a look at the handout sheet the top three numbers are the values that were placed on three parcels totaling \$1.92 million. That number was discounted by \$1,284,500 due to work that does not need to be done if these parcels are sold off. As a result the balance or the selling price of these parcels is \$635,000 and then on top of that \$200,000 is going to the City to increase the depth of the retaining wall along Granite Street.

Alderman Gatsas stated I walked down there twice over the weekend and those walls are being constructed. Who is paying for the construction of those walls?

Mr. Thomas replied the wall that is being constructed along Granite Street is being paid for by the City of Manchester.

Alderman Gatsas asked so the retaining wall from Granite Street to Commercial Street, the City is paying for it.

Mr. Thomas answered that is correct.

Alderman Gatsas asked and somewhere in here we are giving them a savings of \$390,000.

Mr. Thomas stated I quite frankly...those numbers off to the right are some numbers that CLD put together, which were not used to discount the value of the parcels. The discounted dollar value is \$1,284,500. That number was arrived at again by CLD early on by our consultants in a written document that included a higher...less of a retaining wall along Granite Street, no retaining wall along Commercial Street or Philippe Cote Drive and no reconstruction of the Granite Street lot. What you see over there on the right hand side are some numbers that CLD put together defining the costs of the various segments of the project based on actual bids that were received.

Alderman Gatsas responded I will come back to my original question. What is the cost of the Granite Street wall...what is the cost of that retaining wall? My understanding was when this first came before us that we weren't going to pay for anything. That is why the amount went from \$1.9 million down to \$635,000.

Mr. Thomas stated no. The City of Manchester was going to be paying for the cost of the retaining wall along Granite Street. It was not paying for the cost of the retaining wall along Commercial Street or Philippe Cote Drive or excavating the Granite Street lot down to one level and reconstructing it.

Alderman Gatsas stated the question I have is there is \$1.284 million that we have deducted from \$1.9 million.

Mr. Thomas replied that is correct.

Alderman Gatsas asked what is that \$1.284 million for. Why did we deduct it? For what reason?

Mr. Thomas answered because the Seal Tanning Lot did not need to have future maintenance work on it to the tune I believe of approximately \$300,000. Philippe Cote Drive would not have to be resurfaced and then the work on the Granite Street lot wouldn't need to be done as originally proposed. That is what made up that \$1,284,500.

Alderman Gatsas asked but why are we deducting that. Why are we deducting it? Why are we deducting it from a purchase price? If somebody is buying it why are we deducting it from our profit?

Mr. Thomas answered because it was determined that if the land didn't transfer we would have to expend those costs in order to restore the Granite Street lot and maintain Philippe

Cote Drive and Seal Tanning. By selling off this property, the buyers of the property would have to be assuming those costs and additional costs.

Alderman Gatsas stated Frank I would think that if somebody buys something they buy it as seen, as shown. Now if that cost is \$1.9 million I don't know why we are deducting \$320,000 for resurfacing on maybe an issue we wouldn't do for five years.

Mr. Thomas replied this is a recommendation that was made by staff from the City that comprised everybody from the Finance Department to the Assessor's Office to the Planning Department to the Highway Department. It was an overall evaluation of the proposals that were being made.

Alderman Gatsas responded well I have a real problem. We are in budget constraints and we are telling departments to live within their means and cut personnel all over the place and I see us cutting \$1.2 million on...if you asked any reasonable person that sold real estate those are unreasonable calculations to sell a piece of property.

Mr. Thomas replied I think you are asking the wrong person. You should be asking...

Alderman Gatsas interjected I understand and I apologize that you are there but for some reason you are thrown in the seat. Somebody needs to justify how \$1.9 million goes to \$635,000 and we make \$1.2 million deductions to sell something to somebody. That is unreasonable. You couldn't buy that back from the current buyer at that price.

Mr. Thomas stated again I can only explain that the \$1,284,500 is money that the City will not have to expend in those three parcels over a short period of time.

Alderman Gatsas stated we are already doing the retaining wall. They are just paying an additional \$200,000 to extend it deeper. We are already paying for that so I don't know why that is on there. That is a \$390,000 expense.

Mr. Borek stated I believe all of the retaining wall work as Frank mentioned and other reconstruction work that was anticipated that needed to be done to bring the Granite Street Lot and Seal Tanning lot in line, the purchaser would instead construct a parking deck at their own expense that would provide sufficient parking to allow Autodesk and Texas Instruments to expand their operations and in addition the purchaser would be able to reconfigure the Granite Street lot and Philippe Cote lot in conjunction with accommodating a future parking deck or parking garage to support the redevelopment of the Pandora property.

Alderman Gatsas replied I don't dispute that somebody has already agreed to sell the property to the people that are in place but I don't think the taxpayers of this City should be

looking at this kind of a cost when nobody, no professional can sit before me and justify why we are at that number.

Alderman DeVries stated I am not sure who might want to answer my question but in light of the recent events, the high water levels, under the purchase and sales agreement there are some stipulations for what will be completed on that lot. Are we going to have any issues because of any flooding that will prevent the purchaser from fulfilling their obligations because there may be flood insurance requirements that increase costs and that sort of thing? Are there any impacts from the flooding of the last weekend?

Mr. Thomas replied I don't believe so. When you are talking about putting a deck onto the Granite Street Lot extending across Philippe Cote and coming off the elevation of Commercial Street no I don't believe that there is a problem.

Alderman DeVries stated so let's take that one step further because also included in this is the potential redevelopment of some other project, which would be a building, an occupancy.

Mr. Thomas asked are you referring to the potential redevelopment of the Pandora property.

Alderman DeVries answered correct.

Mr. Thomas stated again that property sits up higher and farther away from the river so again I don't foresee that as a major issue with flooding.

Alderman Long stated the appraised value of this property, was it assessed under the condition that all of these were done – the reconstruction and the retaining wall or was this appraised value as is.

Mr. Hamilton stated the value was as is.

Alderman Long stated with respect to 207 parking spots, what revenue...I don't see anywhere here that we took the revenue that we had coming in...is it on this sheet here.

Mr. Borek answered no.

Alderman Long stated I believe Mr. Hoben could probably answer...what is it \$50 for a permit.

Jim Hoben, Deputy Traffic Director, stated \$40.

Alderman Long stated so we are losing approximately \$100,000 plus that I don't see factored in in these numbers. I have to agree that...I don't understand the way the City sells property



to tell you the truth. Something valued at \$1.9 million going for \$635,000 and not putting in the revenue we are losing. This property was appraised as is not under the fact that we were going to have all of this work done to it. I don't understand how we get to the \$635,000.

Alderman Roy stated I am just scanning our minutes from the February 21 meeting. I have to concur honestly with Alderman Gatsas. I have been a great supporter of this project. I love to see the economic development down there and would love to see the Pandora building rebuilt but it was my understanding when I voted on this and I believe other Aldermen have heard the same thing that the City would not be paying for the retaining walls and that was the \$1,284,500 savings to justify the \$635,000 sales price. Looking at the summary sheet I almost want to say can we revisit this or get another cost because there is no itemized number onto the estimated savings, just a subtotal but there are estimated savings under the bid savings column to the right. You and I both know that the columns don't line up so nothing that can come out of the bid savings can justify the \$1,284,500 number on the left column. I haven't been able to find it in the minutes because of the meeting we are under but it is my understanding and I chaired that Committee meeting that the retaining wall and the additional work would be provided for after the sale and the property owner purchasing the property would pay for those and, therefore, we would have a savings. If Frank, who is the expert, wants to rebut that but that is my recollection and that is what led me to helping to justify the \$635,000 sales price. I do have deep concerns from February 21 until today.

Mr. Thomas stated again we can break down the cost of the savings to the City. It was always anticipated that there would be a need to build a retaining wall along a portion of Granite Street. What was being eliminated as I mentioned was the retaining wall along Commercial Street and Philippe Cote Drive and the fact that the Granite Street lot would not be needed to be reconstructed. We have the breakdowns of those costs.

Alderman Roy asked Frank then if we are, and I don't want to debate this all night with you, but we have the value from the appraiser that we have so far all agreed on through the Committee of \$1.92 million. If we are adding a retaining wall to Granite Street and on this it lists it as retaining wall Granite Street to Commercial, would that not be added as an improvement to the property? That is where I am...that is where I don't think the math lines up. If we have the savings is there an improvement number that is missing or...

Mr. Thomas answered no. If you take the bid savings, which should be on this sheet quite frankly...what CLD furnished in some of our discussions were a breakdown of some of the different components that made up that area. If you take the cost of a retaining wall along Granite Street to Commercial Street, \$390,000 out of that \$1.5 million figure you are down to approximately a discount of about \$1.1 million.

Alderman Roy stated I agree with you but we are looking at estimated savings that came out of the Committee and today to \$1.284 million.

Mr. Thomas responded I don't have the paperwork that defines those or has them broken down.

Alderman Shea stated Alderman Long hit upon something that I was thinking about as far as the cost right now that we are receiving from that parking area. The second thought that I had too was we are going into an enterprise parking type of a situation and I would be very hesitant to move too quickly in terms of our parking needs until we hire someone who has the expertise. Alderman Gatsas has brought up some very good points that I am sure have not been properly researched or looked into. I know you mentioned the LOD has suggested these things but I am a little bit hesitant about moving in a precipitous manner in terms of how we handle this particular situation. In other words, I am really quite ambivalent about how all of these figures are put together by people and then obviously they are kind of moved around and there is no justification in my judgement for what is going to happen in the future in terms of what obligations we hold people to who decide to purchase property. Once they have the property we have no control over what they do. They are the owners and they can decide to do whatever they want in terms of progressing. I know that from past experience we have dealt with individuals or an individual down in that area, which did not always prove out in my judgement to be the right choice at that time so, I would be very hesitant to vote in favor of this this evening.

Alderman Lopez asked Steve have you reviewed the complete appraisal and done an analysis of it.

Mr. Hamilton answered the Board reviewed all of the appraisals that were done and we determined that the Fremeau appraisal was the most reliable number.

Alderman Lopez asked when was that.

Mr. Hamilton answered I don't have an exact date. I know that we reported to the Committee on Lands and Buildings the same. It was last August that this process began.

Alderman Lopez stated what I think makes it very difficult is that we have a piece of paper in front of us and I think Frank Thomas...the numbers on the savings there I don't know why they are on the sheet but there have been some very good points brought up and I think maybe we should table this and rehash the minutes of the Committee on Lands and Buildings and review what the process was there and what should have been done because I am not going to vote on something I am not too sure of right now.

Mayor Guinta asked is there a motion to table then.

Alderman Gatsas answered no.

Alderman Roy asked can we continue discussion.

Alderman Duval stated I will yield to Alderman Gatsas and pick up after him if you don't mind your Honor.

Alderman Gatsas stated I guess I am trying to read these minutes and I am trying to understand that this conversation the last time our understanding was and it is pretty clear that we were selling it a \$635,000 because somebody else was picking up costs. That was why we sold it at \$635,000. If not we would have sold it at \$1.9 million and somebody would have gotten a completed package but to tell me we are not...why were we going to put a retaining wall, Frank, on Philippe Cote Drive?

Mr. Thomas responded in order to try to get back an equivalent amount of spaces that we are losing because we are widening the right-of-way to the north there would be a need for a retaining wall on three sides of the Granite Street parking lot and the excavation of that parking lot down to one level. As you know right now the parking lot has two levels and that is what is making up some of the costs that we are able to save.

Alderman Gatsas stated I just look at this and again question how the taxpayers in the City of Manchester are getting a fair shake.

Mayor Guinta stated Frank let me ask a clarifying question. If the sale doesn't go through and we continue with the widening of the project, what does the City have to perform in order to keep this area as it exists today?

Mr. Thomas replied in order to again restore parking in the Granite Street lot to approximately what we have lost through the widening we will have to extend a retaining wall along the length of Commercial Street to Philippe Cote Drive and then down Philippe Cote Drive, two extra sides. In addition as I mentioned the lot itself would have to be excavated out to one level in order to maximize the usable space. Right now it is on two levels.

Mayor Guinta asked so that is the \$1.1 million that we are talking about that the City would have to expend if we didn't do this sale.

Mr. Thomas answered yes and in addition part of that \$1.2 million is the work that...

Mayor Guinta interjected the future maintenance. I am trying to separate it out. There is confusion about the cost of the retaining wall so I want to try and clarify that and I think that

might change the minds of some of the people who are now concerned about the vote. If you take the \$500,000, the \$390,000 and the \$320,000 that adds up to \$1.1 million, which is what the City is going to have to spend...

Alderman Gatsas interjected it adds up to more than that your Honor. It adds up to \$1.2 million.

Mayor Guinta stated I'm sorry. \$1.2 million that the City is going to have to expend once the project is completed because we still have to provide parking to the tenants in the buildings in that location. If we end up not going through with the sale we have to find \$1.2 million. That is calculated in the savings that has been deducted from the sale price but in addition to the \$635,000 we are getting an additional payment of \$200,000 so as I understand what we are receiving is \$835,000.

Mr. Thomas replied well the \$200,000 benefits directly the property owner because that allows the wall to be dropped down deeper in order to accommodate future parking.

Mayor Guinta asked which would then become a taxable entity.

Mr. Thomas answered that is correct.

Mayor Guinta stated so I don't know if that clarifies things for people.

Alderman Gatsas stated what it clarifies your Honor with all due respect is how are we putting a retaining wall that I think is probably twice as long and twice as deep for \$520,000 going from Granite Street to Philippe Cote Drive...how we are doing that for less money where there is a bigger retaining wall that we have to get on Granite Street.

Mayor Guinta stated the difference is a deck versus just surface parking.

Alderman Gatsas responded I am not an engineer but I would let him answer.

Mr. Thomas stated the additional cost of the \$200,000 that they are putting up is part of this agreement.

Alderman Gatsas asked the distance from Granite Street that we are running...we are running all of Granite Street, which is much further, much longer and much deeper than what it is coming down Commercial Street and Philippe Cote Drive. The distance that is on Granite Street is much longer than those two connections and we are doing Granite Street for \$320,000.

Mr. Thomas answered well I disagree with you that the length is longer. You are talking the length of the parking lot down Commercial Street and then down the length of Philippe Cote Drive again for the length of the parking lot.

Alderman Gatsas stated let's try it again. The square footage of wall retention from where we are doing...the square footage of that wall is a greater amount than what is coming down Commercial and down Philippe Cote Drive.

Mr. Thomas replied square foot wise you may be right.

Alderman Gatsas stated absolutely I am right.

Mr. Thomas stated I am not going to disagree with you.

Alderman Gatsas asked how do we do that piece for \$390,000 and then expect me to believe we are doing the other two pieces at somewhere around \$820,000.

Mr. Thomas answered I am not sure where you are getting the \$820,000. The \$500,000 is the reconstruction of the Granite Street lot, not the retaining wall.

Alderman Gatsas asked so we are doing it for \$320,000. You told me we are coming down Commercial Street to Philippe Cote Drive and all the way down.

Mr. Thomas replied that is correct.

Alderman Gatsas asked so that is \$320,000.

Mr. Thomas answered again I am not 100% sure what these numbers are on the right hand side. These aren't the numbers that went in to total the \$1.24 million.

Alderman Gatsas stated I can only tell you that these are the numbers that reflect the same discussion that is in the previous discussion of this Board so again, and I am not looking to point a finger at you Frank, but maybe we should table it and come back and talk about it.

Mayor Guinta stated before we make that decision because then we have to figure out if we don't vote for this where we are coming up with the \$1.2 million. Let me ask Mr. Tuttle to clarify the comments that he has heard.

Mr. Tuttle stated first I think Alderman Gatsas is correct on his first point, which was the \$390,000 associated with the retaining wall that runs along Granite Street probably should not be subtracted because it is still being incurred by the City. I think there is a question as

to the \$1.5 million that is being subtracted and the correct number. I think the correct number is \$1.15 million.

Alderman Gatsas stated the taxpayers of Manchester thank you.

Mr. Tuttle stated secondly I believe that the additional costs were what were necessary to reconstruct the Granite Street lot to an “as is” condition right now, which is the number of parking spaces that are in it. The widening of Granite Street has, therefore, made it necessary to get that lot back to where it is today so I believe the approach that was taken by the Assessor was correct. I can tell you that the Assessor, Fremeau, took two different approaches. He did one based on comparables and he did one on income capitalization approach. For the income capitalization approach he utilized a \$50/month rental rate because he presumed the City might be going up to that kind of rate and he also factored in evening rentals associated with the proximity of the lots through the ballpark and through the Verizon Center. Using that income capitalization approach he was only able to get up to about \$1.2 million and, therefore, he went to the market analysis approach. So I think you would discover if you did look at the foregone \$400,000 that was talked about earlier that in light of the appraised value you would find that was reasonable and if you the income capitalization approach you don’t get near the \$1.9 million. I believe our original point relative to why is the \$390,000 subtracted is an accurate point.

Alderman Gatsas stated I would assume that you would also agree then that the \$330,000 that has been deducted for resurfacing that could be done in some future year or next year or in 50 years because we don’t even resurface streets on a pretty regular basis, wouldn’t you agree that that should be added in.

Mr. Tuttle responded I believe the appraisal again was done with the presumption of the parking lot being in good condition, which was raised as a challenge as to whether or not the parking lot was in good condition. We certainly can raise debates on that topic. I can tell you that our timing is such that we are trying to accommodate various tenants. We have been in this process for almost 18 months now. We are trying to accommodate some tenants. We are also trying to get the Pandora building into a situation where there is adequate parking to support rehabilitation of the building. We are trying to work to move this forward in a timely fashion.

Alderman Gatsas asked what did Bramley appraise it at.

Mr. Tuttle answered \$2.5 million versus the \$1.9 million and then he revised it downward as a function of looking at the closing of Philippe Cote Street, which was a subject of how to appraise. People were having a hard time figuring out how to appraise that.

Alderman Duval stated I just want to make sure that we don't lose in translation the significance of what this means for economic development for that area. I don't know to what extent that was factored in Mr. Borek but I am sure that played in to or at least was part of your discussion with department heads in coming up with this market analysis. I know that there is a sense of urgency I think by the companies that employ a great number of professional jobs in that area and I know it is very significant to the future of the Millyard, which I think is tremendously important to the City. I am concerned with the timing of the approval of this P&S and I hope we can do something to rectify the discrepancies as soon as possible and act in good faith and respond to the purchaser who has put this on the table for us to consider.

Alderman Smith asked Frank if we go back to 2004 I believe this went out for bids and they were all rejected correct.

Mr. Thomas answered the Granite Street project originally was all bid at one time.

Alderman Smith stated in your letter dated August 2, 2005, you said that City staff supports it and construction costs saved in the Granite State widening would be \$1.2 million. This is where we are getting the \$1.2 million right because if you sold the land you wouldn't have to put in an additional \$1.2 million to the project correct?

Mr. Thomas replied that is correct. CLD, our consultant on the Granite Street project, was asked the question what would be the savings if we did not have to make improvements to the Granite Street lot and could eliminate the need for providing maintenance for Philippe Cote Drive and the Seal Tanning lot by our consultants had made a recommendation to spend money to basically bring it up to snuff. That was defined in the report that we have on file. CLD gave us a number of \$1,284,500. That number was broken into three categories – the Granite Street work, the Philippe Cote Drive work and the Seal Tanning parking lot work. Since then, there was another estimate that was put together breaking down costs, which appears on this sheet. Two different animals. The \$1.24 million was a number that CLD gave us back before the bids came in for the project that we used to discount the sale of these three parcels.

Alderman Smith asked Frank in regards to this I know originally it was supposed to be a hotel and I guess that is passe and Pandora has nobody interested in a hotel.

Mr. Thomas stated I will let Paul speak to it but the way I understand it there is really a need to acquire ownership through these parcels in order to talk seriously with the people who may be interested in the Pandora building.

Alderman Smith stated the only reason I ask is this will increase our tax base. I think it is sort of like, and maybe my colleagues don't agree, but I think it is somewhat of a wash. You

are taking from one hand and putting it in the other. I think if you are saving that amount of money it comes out to about what the bid price is. Go ahead Paul.

Mr. Borek stated relative to economic development first of all the project does enable the provision of additional parking spaces critical to Texas Instruments and Autodesk and their current expansions. Absent that parking I don't know what plans they would have to make to accommodate the kind of growth they are experiencing in this market and in this region. In addition, in order to redevelop the Pandora building the owners have indicated and it just makes sense that you need parking to accommodate redevelopment of the Pandora building to a hotel or a residential structure or an office building structure. It is my understanding that discussions with hotel developers are still underway and the developers can speak to that but I believe there is optimism and that is why they are willing to spend another \$200,000 to make the retaining wall deeper and purchase the property with the goal in fact to, rather than redevelop the parking lot, to put up a parking deck to support the development of the Pandora building. The economic benefits of all of that activity was not...we didn't calculate the value of that benefit but merely highlighted the jobs and investments and retention of the businesses and the potential for redevelopment of the Pandora building. I believe that staff concluded that without linking the Pandora building with a parking site, a site capable of accommodating a parking structure, it would be very difficult if not impossible to redevelop the Pandora building without parking.

Alderman Lopez asked who negotiated this.

Mr. Borek stated the team included myself, Finance, Planning, Highway...

Alderman Lopez interjected can we hear any comments from the Chief Finance Officer or Planning in reference to this project.

Mr. Clougherty stated I agree with Frank. I think that the column to the right labeled "Savings to the City of Manchester" is confusing. My recollection is pretty much the same as his. We went through an appraisal process, a standard process through an RFP. We had differences in the appraisals and brought in a third to reconcile what the market price was and that is the \$1.92 million. There was \$1,284,500 worth of improvements that were going to have to be made as a result of the Granite Street project to bring the area back to a functional parking lot and that was broken down. Our understanding was that that was eminent and we were going to have to make those investments to bring the parking lot back to what it is today. That is why it was discounted. The choice before the staff was do you go ahead with the Granite Street project and invest this \$1.284 million really to get back to zero or do you take the opportunity that the Granite Street project was presenting and not do the improvements to the parking lot and move forward with the sale of the property to an abutter who was interested in putting in a parking facility at no cost to the City that is going to increase the value of his building and also provide for the possible development of the



Pandora building. My recollection was it was about \$4,000/space. A lot of times when we talk about parking spaces before the Board we talk about \$10,000 per space. That is in a structured garage. The \$4,000 is what you would be looking at for surface parking. At least that is my understanding or close to what the parking consultant was talking about. I would go back and reinforce what Frank said. I think that the numbers to the left there are confusing. The decision to discount from the \$1.9 million was based on \$1.284 million and it was our understanding in the Finance Department that that is what would be necessary and eminent to bring the facility back to what it was.

Alderman Lopez stated I think you are absolutely right and maybe we weren't supposed to see the savings and somebody put it on there accidentally.

Mr. Borek stated yes.

Alderman Lopez stated I think it is good that you did because you opened our eyes a little bit and I think Alderman Gatsas picked it up pretty good. You know future maintenance costs of the Seal Tanning lot resurfacing, I mean I don't know how we negotiate those prices in there. Alderman Roy has more experience with real estate than I do and I would like to ask him to comment in reference to that.

Alderman Roy stated I think I can somewhat add to this. I knew that chairing Lands and Buildings while Hank was gone would get back but back on February 21 Frank Thomas made the statement that part of the savings was because we would be building only one of three retaining walls and I think that is where the math starts getting fuzzy is that on this sheet the retaining walls are comprised down to two. I am a huge proponent of this. I want to see it happen. I want to see Pandora built and I hopefully just to throw in a comment I hope it is part of the P&S that Pandora gets put back in the tax base but the middle of our conversation on February 21 does have Frank Thomas saying this is a very costly undertaking because the retaining walls are on three sides instead of just one with this proposal moving forward and as such we estimate the total savings of the project as \$1.2 million. That was used in the calculation of the potential selling price of this property. He then goes on to state that CLD reevaluate their savings at \$1.4 million. Even though I believe this is a sweetheart of a deal for parties concerned, I think the long-term benefits outweigh some of our short-term concerns. I would go back to...I would like to see the numbers redone but in an effort to move this along I would concur with the project.

Alderman Osborne asked what is the tax base. What does this bring the City in taxes?

Mr. Hamilton stated immediately it would bring the value of the property because it would become the property of a private citizen. We have a reasonable estimate of \$1.92 million and that amount would go onto the tax role.

Alderman Osborne asked and what would that come out to roughly. Is it \$16 or \$16.50 per \$1,000?

Mr. Hamilton answered that would be approximately \$30,000 or \$32,000 in taxes.

Mayor Guinta stated it sounds like we have the issues addressed so let's move the question.

Alderman Gatsas requested a roll call.

Mayor Guinta asked for a clarification of the motion.

Deputy City Clerk Johnson stated the motion would be to accept the report, which was distributed to you, which outlines the conditions of the sale and the purchase and sales agreement contained within that.

Aldermen Gatsas, Long, Duval, Osborne, Pinard, Lopez, Shea, DeVries, and Garrity voted nay. Aldermen O'Neil, Smith, Thibault, Forest and Roy voted yea. The motion failed.

Alderman Gatsas stated I think we heard Mr. Tuttle say that the \$390,000 was an error. That should be back in. I think the \$330,000 for the two resurfacing areas was an error. I will apply those back in and add the \$200,000...let me understand Frank. Has that already been done? The deepening of the project?

Mr. Thomas replied not as we speak no.

Alderman Gatsas asked so the \$200,000 added back in and the balance of the \$635,000 added back in that number comes to \$1,555,000. That is the motion I would make.

Mayor Guinta asked what is the motion.

Alderman Gatsas answered for the sales price to change from \$635,000 to...

Mayor Guinta interjected I am not going to accept that only because I think we need to...we are not going to be negotiating a sale price in public. I don't know that that is appropriate. I appreciate the interest but I think we need to sit down as a City and figure out what an appropriate next step would be.

Alderman Gatsas asked with all due respect you will have the experts here to address whatever questions this Board has.

Mayor Guinta answered yes I will.

Alderman Roy moved to table the report. Alderman Duval duly seconded the motion.

Alderman Lopez stated it was defeated.

Deputy City Clerk Johnson responded you are tabling the report.

Mayor Guinta stated I am not going to accept a motion to adjust in public a negotiated...we are not going to negotiate in public here on what the sales price should be. I think we should do that with City staff. The appropriate motion is to table the report because it hasn't been moved.

Deputy City Clerk Johnson stated you can table the report or not take any action.

Mayor Guinta stated the motion is to table.

Alderman Shea asked didn't we just not vote for it.

Mayor Guinta stated right but we still have to take some action. So we could take no action or we could table.

Alderman Shea moved to look into the possibility of examining different aspects of the report and have the people come back with a different cost or price possibly. That would be my motion.

Mayor Guinta asked can we hold on that because there is a tabling motion on the floor and we want to get clarification from the Solicitor.

Thomas Clark, City Solicitor, stated your Honor there was a report of the Committee on Lands and Buildings. The motion to accept it failed. The report is still sitting there. It is appropriate to either table it or if you receive and file it it can be resubmitted but tabling is appropriate.

Mayor Guinta called for a vote on the motion to table. The motion carried with Aldermen Forest, Smith and Shea duly recorded in opposition.

Alderman Lopez asked does that mean that the staff will go back and negotiate.

Mayor Guinta answered yes.

Alderman DeVries asked does that mean it will not have to go through Lands and Buildings again.

Mayor Guinta answered that is correct.

There was no State Legislative update available.

Consideration of proposed amendment to Rule 16A:

*Current language:*

*Ordinances providing for changes in class specifications which do not change the title of a position and do not provide for any change in the salary grade of such position shall be reviewed by the Committee on Human Resources. Upon approval by the Committee, the City Clerk shall submit such ordinance to the Board of Mayor and Aldermen where the question shall be on passing same to be Ordained without referral to committee or any other action by the Board.*

*Proposed language:*

*Ordinances providing for changes in class specifications, establishing positions, reclassifications and new class specifications, shall be reviewed by the Committee on Human Resources. Upon approval by the Committee, the City Clerk shall submit such ordinances to the Board of Mayor and Aldermen where the question shall be on passing same to be Ordained without referral to committee or any other action by the Board.*

Deputy City Clerk Johnson stated this was submitted at the request of Alderman Gatsas.

Alderman Gatsas stated there were three different issues in the last two weeks...this proposal originally came from the HR Director. I think that we are just looking for clarification. I know that Alderman Lopez when there was a question of address on this he kind of shook his head with a little smile as if to say I guess you were right again. I bring it forward to this Board. I am bringing it forward so we can move it in a proper manner. I don't think it needs to go to Bills on Second Reading when we have a full discussion about it at the full Board level.

Alderman Roy stated this question did come up regarding the Solid Waste Coordinator and the new position and some of the funding. I personally, though I have been very pro to streamlining government I do like the checks and balances that Bills on Second Reading gives us. I served on that Committee in my last term and we did vote on this when we put this full Board together. I would ask my colleagues to stay with the process. Bills on Second Reading and its current Chairman are going to move things along as the last Chairman did when it was appropriate so I would ask that it just stays the same. Thank you.

Alderman Lopez moved to defeat the proposed language. Alderman Roy duly seconded the motion.

Alderman Lopez stated I do this for the simple reason...

Alderman Gatsas interjected I don't think you can make a negative motion.

Deputy City Clerk Johnson stated it would be a motion to receive and file your Honor.

Alderman Lopez stated fine then I will change it to receive and file. Alderman Roy duly seconded the motion.

Alderman Lopez stated I think at the beginning of our term we came up with these rules for the Board and I don't think it is necessary to change the rules. I know on many occasions during my term as Chairman of Bills on Second Reading...I concur with Alderman Roy. I think sometimes you have to scrutinize these things. I think if we don't what is going to happen is a lot of these things will go through the HR Committee and come right to the full Board and then we might find ourselves doing something that would later on be hard to change because it would be done by ordinance. I think it is appropriate that we have those checks and balances. Thank you.

Alderman Gatsas stated I think that with the reorganization that this Board has looked at in various departments, I would hope that they would be prepared to move something forward to Bills on Second Reading very quickly here because we may start a new fiscal year without those positions that need to be in place. I guess Mr. Clark can you tell me what the timeframe is for setting a public hearing?

Solicitor Clark asked what public hearing.

Alderman Gatsas asked doesn't Bills on Second Reading have a public hearing for public input.

Solicitor Clark answered no. It is just a regular committee meeting.

Alderman Lopez stated if I may, your Honor, I think he brings up a very good job. If there are any ordinances or jobs...those are things we are supposed to be doing right now. Like the Parking Manager I would hope that that goes through and we notify the Chairman right away so we can move this thing along.

Alderman DeVries stated I will also remind my fellow Board members that we always have the ability to suspend the rules and bypass Bills on Second Reading. I think we have followed that at the direction of the HR Director and we do not have to send things to Bills on Second Reading. We do not have to delay action on things. Sending it there allows the scrutiny. That is a good thing. If it touches the hands of more Board members...if we do need to quickly take action we can suspend the rules and do so.

Alderman Duval stated I have a question for the HR Director. Do you favor this proposed change in language?

Virginia Lamberton, HR Director, stated actually I do.

Alderman Duval asked why would you favor it.

Ms. Lamberton answered because departments...things are changing and people are trying to make things better and more efficient and sometimes it takes five or six months from the beginning of an idea or change to actually get through the whole process and I think you lose something when that happens and it is only a job specification. It is not a law...I am not sure why job specifications are ordinances to begin with. To change just a couple of words takes months.

Alderman Duval asked even with a Chairman that calls timely meetings right.

Ms. Lamberton answered well I don't know that.

Alderman Osborne asked Ginny even if this new language were passed the full Board would still be able to send it to Bills on Second Reading if they wanted to correct.

Ms. Lamberton answered I am sure you could.

Alderman Osborne asked so what is the difference between the two ways we are talking about.

Ms. Lamberton stated frankly it has been my observation that sometimes department heads are not inclined to update their class specs because of the amount of time it is going to take them and what happens is you start getting outdated class specs and they start growing and all of the sudden you have a problem and you need to hire someone to come in like you did with Yarger Decker and do the whole system. I just think it is more efficient to move things along and update them as we see them and keep the positions flowing.

Alderman Osborne asked isn't there a way we could put a time limit on things like that if things have to go through in an expedient manner.

Ms. Lamberton replied well I think as Alderman DeVries said we can ask...if there is not a willingness to change the rules then we can ask to have the rules waived or suspended to get things through quickly.

Alderman Osborne asked so either way it can work. It doesn't matter does it?

Alderman O'Neil stated in defense of our form of government and having served I think only one term on Bills on Second Reading there are times when the departments don't have their act together and that is why items sit in Bills on Second Reading. It is not always that we are at fault. Sometimes we are and sometimes we are not.

Alderman Gatsas asked if we were in favor of voting with the HR Director at this time we would vote no.

Mayor Guinta responded the answer to your question is no.

Alderman Gatsas asked so if we are in favor of voting in favor of the HR Director's appraisal of the situation we would vote no on the motion that is on the floor. The motion was to receive and file.

Mayor Guinta stated once again you are correct.

Alderman Gatsas requested a roll call. Aldermen Gatsas, Duval, Osborne, Pinard, and Garrity voted nay. Aldermen Long, O'Neil, Lopez, Shea, DeVries, Smith, Thibault, Forest, and Roy voted yea. The motion carried.

Communication from Virginia Lamberton, Human Resources Director,  
advising the Board of an anticipated shortfall in the Non-Departmental Medical line  
item for FY06 and requesting that \$15,000 be held in Contingency for such purpose.

Alderman Lopez moved to refer the item to the Finance Department. Alderman Shea duly seconded the motion.

Alderman O'Neil asked can we get an update before any contracts are entered into for this whole program. We had a pretty lengthy discussion about it a week ago. It may be in our best interest to start from scratch to get things back on ground with this because I think it has run away from the City. Can we just get a report on the status and ask the departments not to enter into any agreements until there has been a discussion at the Board level? Thank you.

Alderman Gatsas asked why are we sending it to Finance. My question is of the HR Director. Are these physical that need to be done for these employees now?

Ms. Lamberton answered actually they are being done before the end of this fiscal year. The arbitrator's decision was on November 18, 2005 and we had to reschedule all of the tests that hadn't been done to be done within 60 days. These are things that I have no control over frankly.

Alderman Gatsas asked why don't we just move them forward.

Mayor Guinta stated the motion on the floor is to send it to the Finance Department.

Alderman Shea stated I guess the reason is because it is an anticipated shortfall. Not a real shortfall but anticipated. There is a difference.

Alderman Gatsas asked is there a shortfall.

Ms. Lamberton replied I am anticipating...I am asking you to hold money in contingency because I anticipate that it is going to be a shortfall.

Alderman Lopez stated that is exactly right and that is what we are going to tell the Finance Officer to do.

Deputy City Clerk Johnson asked is the motion to approve the request and refer it to the Finance Officer or are you sending it to the Finance Officer to review.

Alderman Lopez stated let me ask Kevin. I think he knows what I am saying.

Mr. Clougherty stated this request should probably follow the same process as the ones we did earlier. You referred it to the Finance Committee and then reported out and tabled it at the Board level.

Alderman Lopez stated okay then I amend my motion to refer it to the Finance Committee. Alderman Shea duly seconded the motion. Mayor Guinta called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

Resolution:

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police - Uniformed Police.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Nine Thousand Six Hundred Forty Dollars (\$39,640) for FY2005 CIP 210205 Public Health Preparedness.”

On motion of Alderman O'Neil, duly seconded by Alderman Shea it was voted to read the Resolutions by title only and it was so done.

On motion of Alderman Forest, duly seconded by Alderman Garrity it was voted that the Resolutions ought to pass and be enrolled.

**NEW BUSINESS**

Deputy City Clerk Johnson stated we have two items to distribute. One is a Traffic Committee report and the other is an item for Alderman Gatsas that I believe he is going to address.

A report of the Committee on Public Safety and Traffic was presented recommending that changes be made to Chapter 70 of the Code of Ordinances relating to parking



offenses and penalties. It is providing for a new provision for penalties to be created for violations of overtime parking in areas other than meters at a fee of \$30 for basic penalty and \$60 if not paid within seven days; establishing a table format in Section 70.78 and establishing fines. This would be submitted to the Committee on Bills on Second Reading for ordinance preparation.

Deputy City Clerk Johnson stated we would ask for a motion to accept that report.

Alderman Roy moved to accept the report. Alderman Osborne duly seconded the motion.

Alderman Gatsas stated I guess this is a question for Traffic or Police. A handicapped parking space in a private lot – somebody parking in it can they receive one of these tickets?

Mayor Guinta responded absolutely.

Alderman Gatsas asked can I get that verified from...

Alderman O'Neil interjected do you want Deputy Leidemer to come up.

Alderman Gatsas replied yes if he could because...

Deputy Police Chief Leidemer asked if I understand your question correct, it is can we enforce handicapped parking in a private parking lot.

Alderman Gatsas stated let me give you a specific because I watched it happen the other day. Dunkin Donuts on Webster Street. Somebody parked...two high school students and I shouldn't say high school students but they parked in a handicapped parking space, got out of the car, ran into Dunkin Donuts, the police cruiser went by and parked and went into Dunkin Donuts. Nothing happened. I am just asking the question and I assume because it was a private lot and somebody was parking in a handicapped space without a decal and without a plate that that was okay and it was just an oversight and the owner should take care of that.

Deputy Chief Leidemer replied I can't speak to that specific incident but we can enforce handicapped parking violations in private lots that are public ways or open to a need by the public. It also states that...and I don't have the criteria in front of me but they have to be properly posted. I am speaking from memory but there has to be some sort of painting on the parking surface as well as an accompanying sign. I don't know...

Alderman Gatsas interjected both of those appeared. I don't know...

Deputy Chief Leidemer interjected we can under those circumstances...

Alderman Gatsas interjected you can or you do.

Deputy Chief Leidemer stated we can and we do.

Alderman Gatsas stated I would hope that they just do and not can.

Deputy Chief Leidemer replied I wouldn't disagree with you.

Mayor Guinta called for a vote on the motion to accept, receive and adopt the report of the Committee Public Safety and Traffic. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated I believe Alderman Gatsas can address the other handout.

Alderman Gatsas stated we have a request from Kevin Dillon, Airport Director, about establishing two class specifications for four positions. Maybe we are going to suspend the rules tonight so it doesn't have to go to Bills on Second Reading because my goodness how quickly things appear before us. Kevin, can you come up and speak to this please?

Kevin Dillon, Airport Director, stated this is a request to establish two class specs. One is for a permanent position – Security Supervisor at the Airport. As you know we are going to be transitioning a law enforcement contract over from Rockingham County to Londonderry. We are going to take the opportunity in that transition to keep some of the coordination work that had been done by Rockingham County in-house. We feel it is a much more cost-effective way to have it accomplished and it will actually save some money by establishing this position and having this position do some of that coordination work. The other classification...

Alderman Gatsas interjected none of these funds are City funds or general funds.

Mr. Dillon replied no these are all Airport. The other classification is a temporary position. We are looking to establish three temporary positions for law enforcement training purposes. These would be potentially used in the transition. It all depends on how many Rockingham County deputies are picked up by Londonderry. If we don't feel there is a sufficient number that are picked up, we would offer temporary positions to these Rockingham County deputies to serve as trainers for the new Londonderry officers.

Alderman Gatsas stated the Airport Security Supervisor, is that somebody you are going to keep on long term or just for the training.

Mr. Dillon responded the Security Supervisor is a permanent position. The three trainers are temporary positions.

Alderman Gatsas asked could we share a Security Supervisor with you. Just checking.

Mr. Dillon answered I believe the level of work is full-time work for the Airport.

Alderman Smith moved to approve the request.

Alderman DeVries stated I was going to ask Alderman Smith if he would accept a friendly amendment to his motion to pass this and add to that that we suspend the rules and approve this this evening.

Alderman Smith answered no.

Alderman Shea duly seconded the motion.

Deputy City Clerk Johnson asked just to clarify is the motion to approve the request because there are actually two pieces to this. One is to approve the request regarding the hiring of the positions and the other is to adopt the ordinance and I will walk you through that.

Alderman Shea stated I think it is appropriate that we suspend the rules because it is not costing the taxpayers any money. It is the Airport that is absorbing the cost.

Mayor Guinta stated I think that has to come from the maker of the motion and he doesn't want to do it.

Alderman Lopez stated make an amendment.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman Roy moved to suspend the rules and adopt the ordinance this evening, without referral to Committees. Alderman DeVries duly seconded the motion.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman Smith being duly recorded in opposition.

Deputy City Clerk Johnson asked can we get a motion to read the ordinance by title only.

On motion of Alderman Roy, duly seconded by Alderman O'Neil it was voted to read the ordinance by title only, and it was so done.

“Amending Sections 33.024, 33.025 and 33.026 (Airport Security Supervisor, Airport Law Enforcement Trainer) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Roy, duly seconded by Alderman Shea it was voted to Ordain.

Alderman Roy asked could we have the interim Library Director, Denise van Zanten, come forward. I am going to put her on the spot. There is a function that the Library Foundation is holding tomorrow and for those watching at this late hour I would like her to extend the invitation to the Aldermen that we all received in the mail and let the public know courtesy of MCTV.

Denise van Zanten, Library Director, stated tomorrow night we are hosting Robert B. Parker, the author of the Spencer novels at the Library. It starts at 6 PM and tickets are \$60 and you can purchase them at the door. We have 15 restaurants offering food and we will have wine and beer in the Library tomorrow night.

Alderman Duval stated just briefly I am requesting and I think I can do it in the form of a request that we get a status on the Ash Street school building for all Board members. I am concerned with...I would like to hear from PBS and confirm with them that they are monitoring the condition of the building, especially in light of all of the heavy rains we have had. I would hate to find to that we have water damage at that historic landmark.

Mayor Guinta asked would you like that in the form of a report.

Alderman Duval answered a report to the full Board would be fine.

There being no further business, on motion of Alderman Lopez, duly seconded by Alderman Shea it was voted to adjourn.

A True Record. Attest.

City Clerk